

**PROMOTING PROSTITUTION IN THE SECOND DEGREE
(Coercion)
PENAL LAW 230.30 (1)
(Committed on or after January 19, 2016)¹**

The (*specify*) count is Promoting Prostitution in the Second Degree.

Under our law, a person is guilty of Promoting Prostitution in the Second Degree when he or she knowingly advances prostitution by compelling a person by force or intimidation to engage in prostitution or profits from such coercive conduct by another.

The following terms used in that definition have a special meaning:

PROSTITUTION means the act or practice of engaging, or agreeing or offering to engage in sexual conduct with another person in return for a fee.²

A person "ADVANCES PROSTITUTION" when, acting other than as a person in prostitution or as a patron thereof, he or she knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.³

A person KNOWINGLY advances prostitution when that

¹ See footnote 3.

² Penal Law § 230.00.

³ Penal Law 230.15 (1). Effective January 19, 2016, [L 2015, ch 368] the definition of "advances prostitution" was amended to substitute the terminology: "when, acting other than as a **person in prostitution**" for the terminology "when acting other than as a **prostitute**." For the commission of this crime on or after September 1, 1978 and before January 19, 2016, this charge may be used provided the term "prostitute" is substituted for the term "person for prostitution" in the definition of "advances prostitution."

person is aware that he or she is doing so.⁴

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following two elements:

1. That on or about (date), in the county of (County), the defendant, (defendant's name), advanced prostitution by compelling a person by force or intimidation to engage in prostitution, or profited from such coercive conduct by another; and
2. That the defendant did so knowingly.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.

⁴ See Penal Law § 15.05 (2). An expanded definition of “knowingly,” is set forth in the General charges in the “Culpable Mental States” section.